

**40.65. SOLAR ACCESS****40.65.05 Purpose.**

The purpose of Solar Access is to protect solar access to solar features on lots designated or used as a detached dwelling under some circumstances. It authorizes owners of such lots to apply for an approval that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site. This Section is carried out by the approval criteria listed herein.

**40.65.10. Applicability.**

The Solar Access application shall be applicable to detached dwellings in the City's standard and low density residential zoning districts.

**40.65.15. Application.**

There is a single Solar Access application which is subject to the following requirements.

**1. Solar Access.**

A. Threshold. An application for Solar Access shall be required when the following threshold applies:

1. Protection of a solar feature from being shaded is requested.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Solar Access. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Solar Access application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Solar Access application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.

## 40.65.15.1.C.

3. Non-exempt vegetation on the applicant's property does not shade the solar feature.
4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Solar Access shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Solar Access application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Solar Access application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The party to whom the City grants a Solar Access approval shall cause to be recorded, the approval, legal descriptions of the properties affected by the approval, the solar access height limit, and the approved site plan in the office of the Washington County Recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing before the approval is effective.
2. If not in place at the time of the Solar Access approval, the solar feature shall be installed within one (1) year of the approval after which time, unless installation has occurred, the approval shall expire.

40.65.15.1.E.

3. An owner of property restricted by a Solar Access approval shall be responsible for and pay all costs for keeping non-exempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the approved site plan, vegetation an owner shows was planted in the ground on or before the date an application for a Solar Access approval is filed, and solar friendly vegetation are exempt from the Solar Access approval.

- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Solar Access proposal shall not be extended.

